PATENT ATTORNEY DOCKET NO. 00786/381003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Mark C. Fishman et al.

Confirmation No.:

8749

Serial No.:

10/656,873

Art Unit:

1634

Filed:

September 5, 2003

Examiner:

Jehanne Souaya Sitton

Customer No.:

21559

Title:

Methods for Diagnosing and Treating Heart Disease

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

DECLARATION OF MARK C. FISHMAN, M.D., AND XIAOLEI XU, PH.D. UNDER 37 C.F.R. § 1.131

We declare:

- 1. We are the inventors of the subject matter that is described and claimed in the abovecaptioned patent application.
- 2. The enclosed Exhibit is a copy of laboratory notebook pages, which show that we determined that the pickwick mutation, which is characterized by a weak heartbeat, is in the titin gene. In particular, we found that certain zebrafish sequences that we had identified as being in the pickwick locus were homologous to known titin sequences. These pages are dated prior to the August, 1999 publication date of Satoh et al. (Biochem. Biophys. Res. Com. 262:411-417, 1999). This work was carried out in the United States of America.

3. All statements made herein of our own knowledge are true, and all statements made on information and belief are believed to be true, and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 7/24/08	Maker. Lister
Date	Mark C. Fishman, M.D.
Date:	
Date	Xiaolei Xu, Ph.D.

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Date:	
	Mark C. Fishman, M.D.
Date: 4-10- 2008	Marle: Mr
	Xiaolei Xu, Ph.D.

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